

## REMARKS

Claims 1-42 are in this application.

Claims 1, 2, 5-9, 12-19, 22-31 and 34-42 have been rejected under 35 USC 103(a). Claims 3, 4, 10, 11, 20, 21, 32 and 33 were deemed allowable but they were rejected as being dependent upon a rejected claim.

Claims 3, 10, 20 and 32 have been amended to include all of the limitations of the parent claims. Claims 4, 11, 21 and 33 are dependent upon the amended claims. Thus, claims 3, 4, 10, 11, 20, 21, 32 and 33 now have all of the limitations of their parent claims should stand as allowable.

Claims 1, 8, 19 and 30 have been amended to clarify the claim limitations. These amendments have not been made to limit the scope of these claims in view of the prior art.

Reconsideration and allowance of claims 1-42 is respectfully requested for the reasons set out below.

The Examiner rejected claims 1, 2, 5-9, 12-19, 22-31, and 34-42 under 35 U.S.C. 103(a) as being unpatentable over **Schuster** (U.S. Patent No. 6,360,271) **in view of Scott** et al. (U.S. Patent No. 6,859,460) and **in further view of Smith** et al. (U.S. Patent No. 6,862,298).

As a preliminary point, it is noted that the inventor of patent 6,859,460 is not Scott and furthermore, no patent by Scott with a number 6,859,460 is listed on the PTO Form 892 "Notice of cited References". Applicant did note that patent number 6,859,460 by Chen was listed on a previous PTO form 892 and hence, applicant assumes that the examiner was referring to patent number 6,859,460 by Chen. If applicant's assumption is not correct, clarification is requested. Thus, the discussion in the following paragraphs is based on the assumed that the examiner was refereeing to patent number 6,859,460 by Chen.

In applicant's system, different paths through the network have different end points and the end points of the paths are in different regions of the network. The size of the jitter buffer required by each particular path is determined by jitter data from the region of the network where the end point of the particular path is located.

Applicant's system uses the "jitter record" of the network region where the end point of a particular path is located to determine the size of the jitter buffer allocated for that particular path.

For example, consider a first path through the network with an end point in network region "A" and a second path through the network with an endpoint in network region "B". If the jitter record from the network region A shows a large amount of jitter and the jitter record for network region B only shows a small amount of jitter, the size of the jitter buffer for the first path (the path with endpoint in network region A) will be set to a larger value than the size of the jitter buffer for the second path (that has an endpoint in network region B).

In summary the size of the jitter buffer for a particular path through the network is set based upon the jitter record of the network region where the end point of the particular path is located.

For example, applicant's claim 1 recites (in part with emphasis added):

"a first connection through a network with **a first endpoint in a first region** of said network; and

a processor coupled with the network interface to:

retrieve a first jitter record for **the first network region**; and

allocate a first portion of said memory for jitter buffer storage for the first connection, the first portion having **a size in accordance with first jitter data in the first jitter record**.

In summary, as recited in claim 1, for a particular connection that has an endpoint in a particular network region:

- a) The jitter record for particular region of the network where the endpoint of the connection is located is retrieved.
- b) The size of the jitter buffer for the connection is set depending upon the data in the retrieved jitter record.

Applicant's claims were rejected based upon a combination of three references, namely the Schuster, Chen (Scott) and Smith references.

The Schuster reference shows a system that measures jitter in order accurately bill charges based upon level of transmission quality. There is no suggestion, whatsoever, in the Schuster reference of setting the size of a jitter buffer for particular path based upon the jitter record of the region of the network region where the endpoint of the path is located as required by applicant's claims.

The Chen reference teaches the use of an adjustable jitter buffer. However, in Chen, the size of the jitter buffer is adjusted based on the condition of the network at any particular moment in time. There is no suggestion, whatsoever, in the Chen reference of setting the size of a jitter buffer for particular path based upon the jitter record of the region of the network where the endpoint of the path is located as required by applicant's claims.

The Smith reference shows a system that adjusts jitter buffer based upon a number of different considerations such as the rate of packet arrival times. There is no suggestion, what so ever, in the Smith reference of setting the size of a jitter buffer for particular path based upon the jitter record of the region of the network where the endpoint of the path is located as required by applicant's claims.

In summary, the examiner has cited three references which teach various different ways of setting the size of a jitter buffer. However, none of these references teach the particular technique recited in applicant's claims.

Applicant has only specifically discussed independent claim 1 above; however the other independent claims have similar limitations and the above discussion is applicable to each of applicant's independent claims. With respect to applicant's

dependent claims, these claims are allowable for the same reasons as discussed above with respect to the independent claims.

It is noted that the Examiner objected to claims 3, 4, 10-11, 20-21, and 32-33 as being dependent upon a rejected base claim. The examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3, 10, 20 and 32 have been amended to include all of the limitations of the parent claims. Claims 4, 11, 21 and 33 are dependent upon the amended claims. Thus, claims 3, 4, 10, 11, 20, 21, 32 and 33 now have all of the limitations of their parent claims should stand as allowable.

**Conclusion:** For the reasons explained above, reconsideration and allowance of claims 1-42 is respectfully requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,



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